

REMARKS

Claims 21 to 26 remain pending. Claims 27 to 35 have been added.

Claims 21 to 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,284,268 to Mishra et al. (the Mishra patent). The Mishra patent is said to teach that omega-3 fatty acid oils possess therapeutic properties, including the treatment of hyperlipidemia and hypertriglyceridemia. The Action cites EP 378,824, which is mentioned in the Mishra patent, as disclosing that such oils are effective in reducing the level of cholesterol and triglycerides. The Mishra patent is also said to provide pharmaceutical compositions having such oils, specifically perilla oil, for combination with therapeutic agents for topical administration. The Action admits that the tissue the composition is applied to is not disclosed. The Mishra patent is said to provide general teachings that perilla oil is effective in reducing the level of cholesterol and triglycerides and can be administered topically. In view of the teachings of the Mishra patent to treatment of hyperlipidemia and hypertriglyceridemia with perilla oil and also topical application, it was said to be obvious that the claimed methods would be successful.

The rejection of claims 21 to 26 under 35 U.S.C. 103(a) is not well taken because hyperlipidemia, hypertriglyceridemia and hypercholesterolemia are substantially medical conditions of the blood and/or plasma and the Mishra patent does not disclose or suggest a nexus between those conditions and treatment of the

skin. Extensive definitions for each condition are provided in the enclosed pages 792, 795, 796 and 802 of Dorland's Illustrated Medical Dictionary, 28th edition, 1988. None of the definitions expressly refer to conditions of the skin let alone disclose or suggest that treating hyperlipidemia, hypertriglyceridemia or hypercholesterolemia will improve aesthetic appearance of the skin by means of a) reducing oil production by sebaceous glands, b) reducing lipid synthesis in subcutaneous adipose tissue, or c) reducing triglyceride synthesis in subcutaneous adipose tissue as required by independent claim 21. The Mishra patent states that EP 378824 A2 (also enclosed) discloses cholesterol and triglyceride level reduction but does not disclose or suggest topical application. Still further, the Derwent abstract of EP 378824 A2 (also enclosed) discloses oral ingestion but does not disclose or suggest topical application.

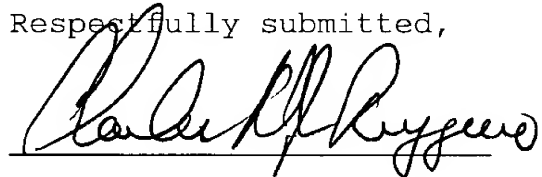
Regarding the definitions in Dorland's Illustrated Medical Dictionary referred to above, a submission entitled "Reproduction of Definitions for Hypercholesterolemia and Hypertriglyceridemia from Dorland's Illustrated Medical Dictionary" is also enclosed. The submission is intended to augment the copies of pages 792 and 802, which may have partially obscured definitions at the edges thereof. The definitions set forth in the submission are deemed to substantially correspond to the definitions actually set forth in Dorland's Illustrated Medical Dictionary.

New claims 27 to 31 are directed to methods wherein specific concentrations of PPAR stabilizer are employed. New claims 27 to 31 further distinguish claims 21 to 23 over the disclosure of the Mishra patent.

New claims 32 to 34 are directed to methods for providing an improvement of the appearance of the skin by means of a) ameliorating the appearance of cellulite and/or b) ameliorating or treating acne by topically applying to an affected area an effective amount of a PPAR stabilizer. The Mishra patent does not disclose or suggest the topical application of a PPAR stabilizer to provide an improvement to the appearance of the skin by those means a) and/or b). Independent claim 32 also provides for improvement of the appearance of the skin by any of means a) to e) and any combination thereof.

Reconsideration of claims 21 to 26 is deemed warranted in view of the foregoing, and allowance of said claims as well as new claims 27 to 35 is earnestly solicited.

Respectfully submitted,



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